

DEPARTMENT OF COMMERCE AND LABOR

JV 6481

1904

Copy 2

REPORT

OF

THE COMMISSION APPOINTED BY THE PRESIDENT ON
SEPTEMBER 16, 1903

TO

INVESTIGATE THE CONDITION

OF THE

IMMIGRATION STATION AT ELLIS ISLAND



RECEIVED
JAN 11 1904
U.S. DEPT. OF COMMERCE

WASHINGTON

GOVERNMENT PRINTING OFFICE

1904

Copy 2

JV6481
1904
copy 2

DEPARTMENT OF COMMERCE AND LABOR

Document No. 10

OFFICE OF THE SECRETARY

MAR 22 1905
D. of D.

2

MAR 22 1905
RECORDED TO

C. D. S. Jan 27/09

CONTENTS.

	Page.
Letter of transmittal.....	5
Members of Commission.....	7
Criticisms or charges made in relation to the treatment, at the Ellis Island station, of immigrants	8
Barge and steamboat service	10
Civil marriages.....	11
Complaints regarding the awarding and interpretation of certain contracts ...	11
Food contract.....	11
Money-exchange contract.....	12
Austro-Hungarian Home	14
Women inspectors	14
Inadequacy of buildings and their appointments at Ellis Island.....	15
Deportation of immigrants under the act of March 3, 1903.....	16
Recommendations.....	36

LETTER OF TRANSMITTAL.

WHITE HOUSE,
November 16, 1903.

MY DEAR SIR: I transmit herewith for the consideration of your Department the report of the commission appointed on September 16, 1903, to investigate the condition of the immigrant station at Ellis Island.

Very truly yours,
THEODORE ROOSEVELT.

Hon. GEO. B. CORTELYOU,
Secretary of Commerce and Labor.

REPORT
OF THE
COMMISSION APPOINTED BY THE PRESIDENT ON SEPTEMBER 16, 1903, TO
INVESTIGATE THE CONDITION OF THE IMMIGRATION
STATION AT ELLIS ISLAND.

Commissioners.

ARTHUR V. BRIESEN, *Chairman*; LEE K. FRANKEL, *Secretary*; EUGENE A. PHILBIN,
THOMAS W. HYNES, RALPH TRAUTMANN.

The PRESIDENT.

SIR: The commission appointed by you on September 16, 1903, to investigate the condition of the immigrant station at Ellis Island has the honor to respectfully report as follows:

The commission understood that it was your desire that it should inquire not only as to the criticisms or charges made in relation to the administration of the station, but that it should also conduct a general inquiry as to the operation of the existing laws controlling immigration, and the procedure thereunder, and make any suggestions that might conduce to the advancement of the objects for which such laws are enacted.

In order to attain these objects the commission had public hearings, notice of which was not only given in the daily press, but also to all persons from whom the commission had reason to believe information could be obtained, including many officials stationed at Ellis Island. In all cases the witnesses examined were asked to take the oath and did so. For the purpose of obtaining information as to the charges that had been specifically made, and of ascertaining any defects either in the law or its enforcement, the commission did not limit itself to calling those who had expressed a desire to testify in support of charges, but personally made inquiry from different persons who had had intercourse with the station. Visits to the station were made by the commissioners at various times and inspection made of its operations.

After taking upward of 700 pages of testimony, and carefully considering the views submitted by Messrs. Emil von Schleinitz, A. S. Anderson, Hon. Gebhard Willrick, and others, whose study of the

question of immigration entitled their opinions to the highest respect, it seemed to the commission that the general subject of the investigation might be most conveniently discussed under two heads, viz:

First. The charges of neglect or ill treatment of the immigrant.

Second. The deportation or exclusion of immigrants.

I. CRITICISMS, OR CHARGES, MADE IN RELATION TO THE TREATMENT, AT THE ELLIS ISLAND STATION, OF THE IMMIGRANTS.

The charges, or criticisms, that presented the most serious aspect were made by a German newspaper in New York City, the *New Yorker Staats-Zeitung*. The circulation and standing of this journal are of such a character as to entitle to the most serious consideration any statements made by it, and therefore the commission felt it its duty to especially invite the *Staats-Zeitung* to submit facts in support of the charges made by it. In response to this invitation, a reporter of the paper, accompanied by one of the editors of the paper, appeared before the commission at its first public hearing, and, after being duly sworn, testified. The reporter had been the representative of the *Staats-Zeitung* at Ellis Island for a considerable period of time, antedating in its commencement the incumbency of the Hon. William Williams, the present commissioner at Ellis Island station, and in that capacity had been in the habit of transmitting reports to his paper. He testified that as to almost all the facts reported by him and published by his paper he had no personal knowledge, but had depended upon the records at the station and upon information given him by persons whose names he was unwilling to disclose. It was pointed out to him that the commission could hardly be expected to accept as true any statements not supported by the public records unless they were supported by something more authentic than hearsay evidence (pp. 8-12). In his refusal to give more definite information he was sustained by the editor of the paper referred to, who even went so far at one time as to instruct the witness not to answer. The reporter further testified that immigrants at times were obliged to sleep in the rooms they had occupied during the day, although he admitted that sleeping accommodations were provided for them in these rooms (p. 6). As to whether such conditions did exist or not he was unable to testify from personal observation, because he was in the habit of leaving the island at 4 o'clock in the afternoon. He gave testimony tending to show that there had been a lack of cleanliness about the island, but that this had been largely overcome by the present administration (pp. 3-4). It was later stated by other witnesses that these rooms were cleaned several times daily.

The witness further expressed an opinion that vermin were allowed to exist on the island. He said, however, that for the most part he had no knowledge of this, but that he had heard complaints from a

good many people in the detention room and from friends who had visited the immigrants detained there (p. 14). He said that he personally saw vermin in the women's rooms, "but perhaps it was not the administration's fault, only that they didn't keep them constantly clean, you know, to prevent such conditions" (p. 15).

The witness further testified that the immigrants at the hospital at Ellis Island were required to work, and that a German woman had complained to some missionaries that she was compelled to do so while remaining with her children in the hospital, and that one of her children, who was not ill, was obliged to do likewise (pp. 22-23). The physician in control of the hospital was asked as to the charge, and he testified that no such incident had occurred, and that the rules of the hospital forbade such practices (p. 621).

The reporter further stated that the food furnished the immigrants was good. In further support of his criticisms of the Ellis Island administration he submitted to the commission some 300 articles, which he stated he had written, making charges against the service (p. 18). "Hell on earth" was one of the milder headings to these articles.

All of the articles thus submitted were handed to Commissioner Williams, with the request that he specifically answer each one of the cases described. When Commissioner Williams testified, he came prepared to give the facts in relation to each one of the instances set forth in the articles published by the *Staats-Zeitung*, and his statements were supported by the records kept by the Government. In one case, where the reporter had testified that a woman had complained of having been attacked by vermin, the testimony furnished by the commissioner and others, including her own written statement, was to the effect that she had complained of mosquitoes only (p. 405).

There was further testimony that it was almost impossible to prevent the existence of vermin on the island, because large numbers of the immigrants constantly brought the cause for complaint with them (pp. 115, 206-207). One witness, who as a representative of a benevolent society had had relations with the station for a long period, testified as follows on this subject:

Q. Have you not heard the immigrants complain there are bugs in the sleeping apartment?—A. Why, they bring the bugs with them; so of course they can not pay much attention to that. I think the place is kept cleaner than the people are when they come from the steamers.

The reporter had some views to express as to the hardships involved in the enforcement of the deportation law, and said that sufficient opportunity for appeal from the decisions of the board of inquiry was not given. We did not find this charge sustained by an investigation of the facts, as is more fully shown on page 40 of this report.

Regarding the complaint touching upon the alleged ill treatment of immigrants, the evidence adduced is to the effect that they were treated

with consideration and kindness. The information thus submitted was given by the benevolent societies and missionaries, who make it a special duty to look after immigrants upon their arrival at this port and to protect them. Pains were taken to ask each one of these witnesses whether or not he had heard any complaints from the many immigrants who had passed through the hands of his society, irrespective of the fact whether or not he considered any complaints so made trivial, immaterial, or unjust. And with one or two exceptions the reply was stated in the negative. One of the exceptions was in the testimony of the English missionary, who said that she didn't regard the matter complained of as of any consequence, and made the explanation that her race had the reputation of being grumblers (p. 174).

As another instance, the missionary in charge of the Swedish Society stated that owing to the fact that he believed his people to be exceptionally clean, complaints were made by them of the lack of a similar characteristic in the immigrants with whom they came in contact (p. 156).

The managers of the various benevolent societies all testified, under oath, that there was no ground for complaint as to the treatment of the immigrants. The commission therefore is forced to assume that the reporter had been misled by the persons who furnished him information as to nearly all the charges made by him against the Government officers.

BARGE AND STEAMBOAT SERVICE.

Complaint has also been made by some persons that the barge and steamboat service is inadequate, but that is not under the control of the immigration service, but under the steamship-inspection law. It may be that, in view of the fact that the present facilities at Ellis Island do not permit the inspection of over 6,000 immigrants daily, in the event of a greater number of persons arriving in one day the barge facilities are inadequate, but according to the testimony such conditions are unusual and not likely to arise ordinarily. There was one occasion, however, when 13,000 people arrived in one day. It is further discussed on page 18 of this report. But only 6,000 persons are allowed to come to Ellis Island; more can not be examined in one day with the present facilities (p. 504). To detain meanwhile the others on the vessels that brought them involves undue hardship and expense. Hence larger quarters on the island appear necessary.

A special report on the barge and steamboat service, which was made at your commission's request by Mr. Louis A. Friedman, will be found in the exhibit book as Exhibit No. 39.

The principal difficulties pointed out by Mr. Friedman are:

The overcrowding of the steamboat cabins in inclement weather, owing to the fact that their carrying capacity has been calculated upon

the area of open decks and not upon that of cabins; and also the undue exposure of persons to the shafting and machinery on the boats. We believe that the cabin capacity should control the number allowed to be carried.

CIVIL MARRIAGES.

As to civil marriages, we report that there have been 227 marriages performed on Ellis Island since December 15, 1902, the date when under the laws of the State of New York a civil marriage by contract was authorized. These marriages are insisted upon by the authorities at Ellis Island for the protection of the women who but for such marriages would have to be deported. We find the requirement that there be such marriages has not been abused. The criticism, however, has been made by several of the missionaries that religious marriages would be preferable in many instances. No doubt they would. Such of the missionaries as are ministers and authorized to perform a marriage ceremony are, if present, permitted to do so at Ellis Island; but the civil marriage is a requirement, nevertheless, because it makes a record which in many cases becomes of great importance, especially where either party to the contract was not bona fide in his relation thereto. Those who, after the civil-marriage contract has been entered into, so desire, can certainly be married again by a minister after landing. The commissioner properly claims that he has no right under the law to parole these people—that is to say, to allow them to land first on condition that they get married. The protection which he seeks to throw about the women would become impossible if they were allowed to land before being legally married.

The commission is of the opinion that the religious ceremony in cases of marriage be resorted to at Ellis Island whenever feasible, unless the parties decline to have such ceremony performed.

COMPLAINTS REGARDING THE AWARDING AND INTERPRETATION OF CERTAIN CONTRACTS.

FOOD CONTRACT.

Questions in relation to two contracts were presented to us. One concerned the contract held by the present caterer, which called for supplying food to immigrants, and the other in relation to the contract awarded to Messrs. Post & Flagg for exchanging immigrants' money. In the first of these cases, Messrs. Reed & Bremhall claimed that they had been the lowest bidders for the food contract which was given out in July, 1902, and that they should have received the contract. It appears that, in fact, they were not the lowest bidders; that they had already presented their complaint prior to the time the contract was actually awarded, to the Secretary of the Treasury and to the President of the United States, and that after a full and ample hearing the

Secretary ordered the present caterers to be awarded the contract, mainly on the ground that an analysis of the bids showed them to be the lowest bidders, their responsibility also having been fully established. In addition to this we have in the record a letter written by Bremhall, of the firm of Reed & Bremhall, to the present caterers, dated June 21, 1902. This letter was therefore written before the contract in question went into effect. It is produced on page 547 of minutes. In it Mr. Bremhall informs the present caterers that the partnership of Reed & Bremhall had been dissolved, and that he (Bremhall) asks employment by the present caterers, and expresses himself as perfectly reconciled to the result of the award. As there was no firm of Reed & Bremhall to receive any contract in June, 1902, nor since, and as all these matters have already been heard and decided by the proper authorities, we do not deem it our duty to further consider them.

MONEY-EXCHANGE CONTRACT.

It appears that the firm of Post & Flagg were awarded a contract for exchanging money at Ellis Island, so that immigrants who brought foreign money could receive American money in exchange. Before Messrs. Post & Flagg received that contract it had been the practice at Ellis Island for Mr. Conti, a correspondent of the Bank of Naples, to receive drafts from that bank, which were given the immigrants abroad in exchange for their money, and which read for so many American dollars. It appears from the exhibits in this case that the Italian Government, being very solicitous for the welfare of its people, advised them particularly to take no money in coin aboard ship with them, the advice being no doubt based upon the belief that what little these people had was apt to be frittered away to their injury. They were advised at home to exchange their coin for checks on Mr. Conti's New York branch of the Bank of Naples, and these checks read, as already stated, for so many American dollars. When they reached Ellis Island they received in exchange for these checks their full face value, Conti at that time having a stand at Ellis Island, which enabled each immigrant to make a prompt exchange. This arrangement was in effect prior to the time, but not when Messrs. Post & Flagg were asked to bid for the contract granting them the privilege of exchanging immigrants' money at Ellis Island. The printed forms inviting such bids asked the applicants to state "at what rates they will cash drafts on New York banks or banking firms of well-known standing."

When Messrs. Post & Flagg put in their bid, wherein they said that they would cash drafts on New York banks or banking firms of well-known standing for a commission of one-tenth of 1 per cent on their face value, and would cash without charge all Government checks or

drafts of persons employed at Ellis Island, they knew, or should have known, of the practice in relation to these Italian drafts. They continued for a while to charge the above rate, and then notified Conti that they would charge him one-half of 1 per cent on all these drafts. On Conti's protest, the matter was submitted to the Secretary of Commerce and Labor, who decided that, inasmuch as Post & Flagg paid \$1,200 for their privilege to the Government, and inasmuch as foreign drafts had not been mentioned in the offer or proposal nor in the contract, the contract could only be understood to relate to domestic drafts, and that therefore Post & Flagg had a right to collect one-half of 1 per cent on all money cashed on the checks of the Bank of Naples.

Each Italian brings such a check. It calls for so many dollars, always in round numbers, meaning no fraction of dollars; Messrs. Post & Flagg have a cash deposit from Conti of \$3,000 always on hand. From this cash deposit they take the dollars and pay them to the immigrant, without identification, and when the amounts thus disbursed reduce the Conti deposit, they immediately call for its restoration and continue the process. They then hand the checks over to Conti, retaining one-half of 1 per cent as their commission. With all other money exchanged at Ellis Island the party making the exchange has much greater trouble, and there does not seem to be any valid reason why these checks, for which the cash is always on hand at Ellis Island, should be more strictly treated, and why under a sound construction of the contract they should not be included in its provisions as originally drawn. If foreign drafts are not mentioned in the bid or original proposal nor in the contract based thereon (p. 43) a new bid may be necessary. The fact that the transportation companies, whose offices are at Ellis Island, have been directed not to receive these checks from immigrants in payment for railroad tickets, complicates the situation. We report the facts as we find them, and recommend that on the expiration of the contract no further contracts be given out for the exchange of money, but that such exchange be performed by an officer of the Department under such regulations as under the circumstances would appear fair and proper.

The commission has been informed that an amended contract with the word "foreign" inserted before the word "drafts" has been recently executed. There are doubts as to whether the alteration of the original contract can thus be legally made, but as we are advised that the Secretary of Commerce and Labor has this entire matter under consideration and will submit to the Attorney-General this question of change of contract, we will not further consider it.

In all other respects, so far as the commission has been able to determine, the money exchange system operates satisfactorily.

AUSTRO-HUNGARIAN HOME.

Complaint was made as to an alleged discourtesy shown the Austro-Hungarian Home by the commissioner of Ellis Island. The information tending to establish such a charge was unsatisfactory, and, in fact, no witness made the specific allegation, but the facts were given to the commission in a general way. The commissioner, on being asked for an explanation, stated that he felt it his duty to exercise a supervision over the welfare of the immigrants even after they had left the island and while sojourning in one of the homes of the various societies, and that, therefore, if information came to him that immigrants were being neglected or their interests disregarded, he invariably made inquiry with a view of preventing further injury. It was further stated that the facts in relation to the home in question were, that information had been sent to Ellis Island that the sanitary conditions of the house were defective and injurious. The commissioner made an inspection and also communicated with the head of the health department of New York City, and the latter, after having made an examination, condemned the unsanitary conditions that existed in the home and ordered that they be remedied (pp. 408 et seq.).

Doctor Senner, who was formerly a commissioner of immigration at Ellis Island, and who is prominently identified with the home, was asked to appear before the commission in relation to this subject, but declined to do so.

Regarding the discussion between the said home and the commissioner on the subject of giving to men the addresses of girls for whom the home has found positions, we refer to the correspondence, Exhibit 28. On the theory that immigrants who might otherwise have to be deported are allowed to be cared for in homes of this character, a reasonable supervision by the authorities is clearly justified.

WOMEN INSPECTORS.

The matter of the dismissal of the women inspectors was given some attention. Commissioner Williams and a number of other witnesses, including some of the women inspectors, testified in relation to the subject. The commission became satisfied that the service performed by the women inspectors was a very desirable and necessary one, and that it should be continued. The commissioner stated it was necessary that the persons performing the duty should have had some experience, and for that reason he had recommended that matrons from Ellis Island be substituted for the women originally appointed, and this course is now being followed with apparent success.

INADEQUACY OF THE BUILDINGS AND THEIR APPOINTMENTS AT ELLIS ISLAND.

The testimony on this subject renders it perfectly clear that the buildings at Ellis Island are wholly inadequate for the purposes for which they are intended. Neither the main building nor the hospital building is large enough to enable the officers to handle the number of persons who apply for the privilege of landing at the port of New York. The testimony shows that on one day as many as 13,000 aliens arrived at the port of New York, and that the commissioner had to require that all but 6,000 remain aboard their respective vessels over night (p. 504), as he was unable to cope with more than 6,000 during one day at Ellis Island. But even assuming that only 6,000 wanted to land during a day, the facilities for their reception are insufficient, and in many respects objectionable. The immigrants on landing at Ellis Island are required to walk to an upper floor of the inspection building; many of them carry heavy bundles; they can not be persuaded to leave their bundles below, and it would be extremely difficult for them, were they to do so, to find them again conveniently. It is therefore probable that even in a proper structure the immigrants will invariably try to carry certain bundles with them. Valuable time is lost and considerable hardship incurred in the effort to bring all these bundles up a long flight of steps. The commissioner, as well as the steamship officers, missionaries, and others, are a unit in their criticism of this arrangement. They all ask that a proper inspection room be provided on the ground floor, and that the building be reconstructed to render this possible. We fully concur in this recommendation.

The hospital building also is entirely inadequate. It has been so constructed that at high tide water enters the basement, and a pump is consequently kept in motion to rid the building of this water. If water in the lower part of an ordinary house is apt to injuriously affect healthy inmates, it stands to reason that it is more seriously detrimental in a hospital.

Moreover, the hospital at Ellis Island is too small. It has room for at best 125 beds. The doctor in charge states, with reason, that at least 250 beds are needed. The result of this lack of space has been injurious to all concerned. Many of the sick have to be taken to other hospitals on Long Island and Manhattan Island. The charges at other hospitals are higher than those at Ellis Island, and the control is naturally also less complete. Consequently we indorse the recommendation of the authorities at Ellis Island that a new hospital be erected, which shall be large enough to accommodate at least 250 beds, and which shall be constructed in such a manner that tide water can not enter any part thereof.

The sleeping accommodations at the main building at Ellis Island, as at present constituted, consist of 1,665 beds, each of which is a metallic frame hinged to a wall or support and fitted with a wire "mattress." Each alien who is required to stay over night at Ellis Island is given one or more blankets—no pillow, no regular mattress, no sheets; just the blankets. The evidence was clear that these blankets were not disinfected and aired thoroughly. For those who have to stay at the island for one night or so these sleeping accommodations might be sufficient, but not a few are kept on the island for weeks and some for months. The testimony leaves no doubt in our minds that for a longer stay proper bedding should be supplied of the same nature as that which is supplied at the hospital. If in a new building the sleeping accommodations could be made so as to permit of a larger degree of privacy than is now possible, that also would be very desirable.

The arrangement of beds in tiers of three, which prevails in most dormitories, is also objectionable. The erection of a new building would render such an arrangement unnecessary, and therefore should not be delayed.

In some respects the sanitary arrangements on the island are not of the most approved character, and require attention and replacement. Many improvements have been made in this respect by the present administration. We understand that over 40 contracts have been given out by it for this purpose since May last.

We respectfully suggest that plans for a satisfactory main building and for a hospital be prepared, and that after proper buildings shall have been erected the inner arrangements be made so as to meet present requirements. The detention rooms are frequently overcrowded to such an extent that not even seats enough can be supplied, to say nothing of the opportunity for needful exercise. The rooms in which those who are allowed to land have to wait until the barge or vessel taking them off is ready for their reception are likewise inadequate. As the Government exacts a head tax of \$2 from each alien arriving, and as over 689,000 paid that tax during the last fiscal year, it stands to reason that sufficient funds are brought in to justify the Government in supplying sufficient accommodations.

II. THE DEPORTATION OF IMMIGRANTS UNDER THE ACT OF MARCH 3, 1903.

The enforcement of the law with regard to the deportation of immigrants, involving as it does not only the rights of the immigrants but also the welfare of this great country, to whose interest it is that desirable immigrants shall not, and that undesirable immigrants shall, be excluded, presents many aspects of the immigration problem, and includes almost every point that has been raised as to the administration of the immigration laws.

The above-mentioned act continues and extends the restriction that has existed for many years, and amends earlier laws in many important respects. The immigration laws provide that there shall be levied, collected, and paid a duty of \$2 for each and every passenger, not a citizen of the United States, or the Dominion of Canada, the Republic of Cuba, or of the Republic of Mexico, who shall come by any vessel from any foreign port to any port within the United States, or by any other mode of transportation from foreign contiguous territory to the United States. The method in which such duty shall be paid is specified, and it is also provided that the money thus collected shall be paid into the United States Treasury and shall constitute a permanent appropriation to be called "The Immigration Fund," to be used under the direction of the Secretary of Commerce and Labor to defray the expense of regulating the immigration of aliens into the United States under the law. No tax, however, shall be levied upon aliens in transit through the United States, nor upon aliens who have once been admitted into the United States and have paid the head tax, who later shall go in transit from one part of the United States to another through foreign contiguous territory.

Section 2 of the act approved March 3, 1903, entitled "An act to regulate the immigration of aliens into the United States," specifies the classes of aliens which shall be excluded from admission into the United States, and they are as follows:

All idiots, insane persons, epileptics, and persons who have been insane within five years previous; persons who have had two or more attacks of insanity at any time previously; paupers; persons likely to become a public charge; professional beggars; persons afflicted with a loathsome or with a dangerous contagious disease; persons who have been convicted of a felony or of a crime, or misdemeanor involving moral turpitude; polygamists, anarchists, or persons who believe in or advocate the overthrow, by force or violence, of the Government of the United States, or of all government, or of all forms of law, or the assassination of public officials; prostitutes, and persons who procure or attempt to bring in prostitutes or women for the purpose of prostitution; those who *have been*, within one year from the date of the application for admission to the United States, *deported* as being under offers, solicitations, promises or agreements to perform labor or service of some kind therein, and also any person whose ticket or passage is paid for with the money of another, or who is assisted by others to come, unless it is affirmatively and satisfactorily shown that such person does not belong to one of the foregoing excluded classes; but this section shall not be held to prevent persons living in the United States from sending for a relative or friend who is not of the foregoing excluded classes: *Provided*, That nothing in this act shall exclude persons convicted of an offense purely political, not involving moral turpitude: *And provided further*, That skilled labor may be imported, if labor of like kind unemployed can not be found in this country: *And provided further*, That the provisions of this law applicable to contract labor shall not be held to exclude professional actors, artists, lecturers, singers, ministers of any religious denominations, professors for colleges or seminaries, persons belonging to any recognized learned profession, or persons employed strictly as personal or domestic servants.

Section 3 of the act makes further provision relating to the importation of any woman or girl for the purpose of prostitution, and makes it a misdemeanor for any person to attempt to make such importation.

Section 4 contains a further provision in relation to contract labor, and makes it unlawful for any person to prepay transportation or in any way to assist or encourage the importation or migration of any alien into the United States in pursuance of any offer, solicitation, promise, or agreement, made previous to the importation, to perform labor or service of any kind, skilled or unskilled, in the United States.

It would seem that this provision conflicts somewhat with section 2, in that it does not contain the exception provided for in the latter, which allows that skilled labor may be imported if labor of a like kind unemployed can not be found in this country.

Section 5 of the act creates a penalty for the violation of any of the provisions of section 4, by setting forth that any person procuring the importation shall forfeit and pay for every such offense the sum of \$1,000, which may be sued for and recovered by the United States or by any person who shall first bring his action therefor in his own name and for his own benefit, including any such alien thus promised labor or service of any kind as aforesaid. It is made the duty of the district attorney of the proper district to prosecute every such suit when brought by the United States.

The commission has been unable to learn of any successful attempt to enforce the provisions of this section on the part of the United States. Probably this is due to the difficulty of obtaining sufficient evidence upon which to base an action. It has been stated that some cases are now pending.

Section 6 of the act makes it also unlawful, and a violation of section 4, to assist the importation or migration of aliens by promises of employment through advertisements printed and published in any foreign country.

By section 7 transportation companies, or persons engaged in transporting aliens into the United States, are forbidden, either directly or through agents, in any manner to solicit, invite, or encourage the immigration of any aliens into the United States, except by the usual advertisements as to the sailing of their vessels and the terms and facilities of transportation.

Sections 8 and 9 forbid the bringing in of immigrants contrary to the provisions of the act and fix the penalties for persons so doing.

Other provisions of the act will be discussed when the various questions that have arisen under the enforcement of the law are considered.

The principal causes for deportation are the violations of the contract-labor law, so-called, and the provisions against the admission of persons likely to become public charges. The proportion of depor-

tations arising under the other circumstances specified in section 2 of the act is very small. A brief description of the method followed in the examination of immigrants will make clearer the grounds upon which are based the claims made that the law is unreasonable or has been unfairly enforced.

While the steamship companies, because of the penalties visited upon them for their bringing in ineligible immigrants, and for failure to comply strictly with the terms of the act, can properly be considered interested parties in the administration of the law, yet the two principal points involved are: First, justice to the immigrant; and, secondly, a protection to the United States in the prevention of the entry into its jurisdiction of persons likely to become a detriment to the country.

It is proposed to consider first the enforcement of the laws relating to the immigrant personally.

In order that the questions presented may be more intelligently considered, the method of the procedure attendant upon the inspection of immigrants will be described. Although, as already seen, the provisions of the act apply to cabin passengers as well as to those who come in the steerage, and who only, in common parlance, are looked upon as immigrants, yet cabin passengers are, as a rule, not taken to Ellis Island for inspection, but are, as we are informed, inspected on the vessels that bring them to our shores.

Section 13 of the act provides that all aliens arriving by water at the ports of the United States shall be listed in convenient groups, and no one list or manifest shall contain more than thirty names. To each alien or head of a family shall be given a ticket, on which shall be written his name, the number or letter designating the list in which his name, etc., is contained, and his number on said list, for convenience of inspection. These tickets are usually pinned or tied on the clothing of the immigrant for the greater convenience of the inspecting officers and in order to avoid any loss of the tickets.

The section referred to further specifies that each list, or manifest as it is more commonly called, shall be verified by the signature and the oath or affirmation of one of the officers of the vessel taken before the immigration officer at the port of arrival, to the effect that he has caused the surgeon of said vessel sailing therewith to make a physical and oral examination of each of said aliens, and that from the report of said surgeon and from his own inspection he believes that no one of said aliens is a person whose entry is prohibited under the statute as set forth in section 2 hereinbefore mentioned, and that also, according to the best of his knowledge and belief, the information on said lists or manifests concerning each of said aliens named therein is correct and true in every respect.

Section 14 makes similar provision as to the examination by the ship's surgeon, and the latter is also required to sign and swear to the manifest.

The immigration officers are required under the following section, upon the arrival of the lists or manifests, to send their representatives to the vessels and there inspect such aliens, or said officers may order the temporary removal of the aliens for examination at a designated time and place, but that such temporary removal shall not be considered as a landing, nor shall it relieve the transportation lines from any of the obligations which, in case such aliens remained on board, would, under the provisions of the act, bind such transportation lines.

The practice at the port of New York has been to have the immigrant transferred as soon as practicable to Ellis Island at the expense of the steamship companies, who provide barges and steamboats for that purpose. Immediately upon their arrival at the island the immigrants enter a building and ascend to an upper floor, a large part of which is devoted to inspection. The space is divided off by means of railings into long aisles, and at the head of each aisle an inspector sits at a desk and examines each immigrant within the aisle. The arrangement of the immigrants in the aisles is guided by the tickets they bear, so that the inspector at the desk has on the manifest before him the name and description of each immigrant who presents himself. The inspector interrogates the immigrants at length as to each item of information set forth in the manifest, and if he has any reason to believe that the applicant is either a contract laborer, one likely to become a public charge, or otherwise within the prohibited classes, he hands the immigrant a yellow ticket, indicating that he is held for special inquiry, and the attendants guide the immigrant to the detention room, where he is kept until an opportunity is presented for a hearing before one of the boards of special inquiry.

It will thus be seen that the only purpose that the manifest fulfills is to enable a more expeditious examination by the inspector because of the information previously obtained, and that the statements in the manifest are not relied upon by the Government in any way whatsoever.

If the immigrant is not held for special inquiry he is immediately discharged, and he is at liberty to leave the island on the next boat. As a matter of fact, he is, if New York be his destination, usually taken care of by friends who are awaiting his release or by the representatives of the benevolent society of his nationality or creed. These societies represent many of the religious sects or denominations and almost all the nationalities coming to this port. In addition to this disposition of the immigrant, there is also an arrangement by which he can place himself in charge of the railroad companies, who have agents on the island and who will see that he is safely placed upon

trains leaving for his destination in the West or other parts of the United States. The benevolent societies referred to are usually provided with comfortable buildings in New York City in which immigrants are kept temporarily until they are sent to their destinations in this or other States, or placed with relatives who could not have been found in the first instance.

It is interesting to note that these immigrants brought into the United States during the last fiscal year upward of \$16,000,000, the amount which each immigrant exhibited averaging about \$20.

Before the immigrant is inspected in the manner above described he undergoes an examination by physicians, who also stand at the end of long aisles, and as each immigrant approaches the doctor inspects him and particularly examines his head and his eyes in order to detect any possible disease of the scalp or eye. The examining physicians exercise great care and frequently wash their hands in disinfectants during the examination. If there is any suspicious indication the immigrant is put to one side for a more deliberate examination. If trachoma or favus is suspected the immigrant is sent to the hospital on the island and there kept for observation. If the disease exists beyond doubt the applicant is ordered deported forthwith. Such deportation under the law frequently results in a cruel separation of members of the same family.

The medical service on the island is under the care of the United States Marine-Hospital Service, pursuant to section 17 of the act. The information obtained by the physicians is certified for the information of the immigration officers and the boards of special inquiry.

A later section of the act provides that all aliens brought into this country in violation of law shall, if practicable, be immediately sent back to the countries whence they respectively came, on the vessels bringing them. This requirement is not always literally enforced, as it is often not possible to return the rejected applicant on the vessel that brought him over, and his passage is taken by another ship of the same line. The cost of the maintenance of all immigrants, including those detained till the arrival of friends, those detained in hospitals, those detained to await the cure of sick members of their families, and those ordered to be deported, while on land, as well as the expense of the return of such immigrants, is borne by the owners of the vessels by which they respectively came; in other words, by the steamship lines. A penalty is provided for the failure of the transportation lines to return the rejected immigrant to the foreign port from which he came or to pay the cost of his maintenance while on land. For maintaining immigrants at the island the companies had to pay \$72,000 during one year. This amount does not include hospital charges.

It will be observed that the transportation lines are, by section 19 of the law, only called upon to pay for the maintenance during the deten-

tion of the immigrants who are ordered deported, and therefore it would seem that the practice of charging the different steamship companies with the cost of maintaining immigrants who are allowed to land, after detention and inquiry, should not be allowed to unduly burden them.

But it is said on behalf of the Government that the companies would be compelled to maintain the immigrants on board their vessels until inspection, irrespective of the fact whether or not the aliens were subsequently deported, and that therefore the removal to Ellis Island and the maintenance of the immigrant during the period of inquiry is really a convenience to the companies, for which they should pay. This is true if the immigrants are not unduly detained. A time limit should be set so far as the liability of the carriers is concerned.

The act further provides that any alien who shall come into the United States in violation of law, or who shall be found a public charge therein upon causes existing prior to landing, shall be deported to the country whence he came at any time within two years after arrival, at the expense, including one-half of the cost of inland transportation to the port of deportation, of the person bringing such alien into the United States, or if that can not be done, then at the expense of the immigration fund.

The Secretary of Commerce and Labor is empowered (section 21) within the period of three years from the time of landing or entry of an immigrant, to cause such an alien to be taken into custody and returned to the country whence he came, if he is satisfied that he is in the United States in violation of the act of 1903 referred to, these deportations to be at the expense of the immigration fund; and if any transportation company neglects or refuses to comply with the order of the Secretary of Commerce and Labor to take on board, guard safely, and return to the country whence he came, any alien so ordered to be deported, it shall be subject to the penalties likewise prescribed in the act. It will be observed that the two-year period of section 20 is limited to cases of "public charges," and that the expense of deportation is to be borne by the person bringing the alien into the United States in the first instance, whereas, the period of three years provided for in section 21 covers all cases, and the deportations have to be made at the expense of the immigration fund.

The system of special inquiry hereinbefore referred to is carried into effect by the operation of three or four boards of special inquiry. Under the act these boards of special inquiry are appointed by the commissioners of immigration at the various ports of arrival for the prompt determination of all cases of aliens detained at such ports under the provisions of the law. The boards consist of three members selected from such of the immigrant officials as the Commissioner-General of Immigration, with the approval of the Secretary of

Commerce and Labor, shall, from time to time, designate as qualified to serve. The boards are empowered under the act to determine whether an alien shall be allowed to land or shall be deported.

It is further provided, that all the hearings before the boards "shall be separate and apart from the public," but that the said boards shall keep complete and permanent records of their proceedings and of such testimony as may be produced before them. The decision of any two members of the board shall prevail and be final, but either the alien or any dissenting member of said board may appeal through the commissioner of immigration at the port of arrival and the Commissioner-General of Immigration to the Secretary of Commerce and Labor, whose decision shall then be final; and the taking of such appeal shall be operative to stay any action in regard to the final disposal of the alien whose case is so appealed until the receipt by the commissioner of immigration at the port of arrival of such decision.

A great deal of the criticism made in regard to the operation of the immigration law has been directed to the special inquiry so conducted. It has been claimed that the requirement that the hearings shall be separate and apart from the public has placed immigrants ignorant of our language at a serious disadvantage, and even in other cases often caused an adverse decision because of the immigrant being unable to fully present his case to the board. The only persons now allowed to be present at such hearings are the board of inquiry, consisting of three inspectors, the interpreter, and the immigrant, besides such witnesses as the board may permit to be called. The steamship companies, although they have to meet the heavy penalty of bearing the expense of maintenance and of the deportation of the immigrant, are not allowed to be present at the inquiry. It is our opinion that a proper construction of the statute gives to the steamship lines a right to which it is now claimed they are not entitled. The use of the word "public" in connection with any court proceedings has never been held to exclude persons interested in the proceedings, and it is clear that the companies are not really prohibited under the law from having a representative present at such hearings. Such a representative might be a person familiar with the treatment of the immigrants. It does not seem that there should be any objection to the admission of a proper representative of the party whose property is involved at the hearing.

A similar claim has been made with regard to the benevolent societies, and while it does not seem so clear that under the law they would be entitled to be present, as in the case of the steamship companies, it is hard to conceive why the persons directly interested in the immigrant should be excluded from such inquiry.

The commission attended several times at the proceedings before the boards of inquiry and they saw no indication of a lack of apprecia-

tion of the responsibility resting upon the officers. Apparently the inspectors constituting the board were desirous of obtaining the fullest information in each case, and their long experience in the performance of the duty enabled them to readily extract the necessary facts.

If the immigrant has been held for inquiry because of indications that he is likely to become a public charge the board of inquiry investigates his statements that relatives or friends will provide against the happening of such a contingency, and here arises a rather difficult situation in many cases. If the immigrant arrives with only a small amount of money, say ten or twelve dollars, and is wholly without any means of obtaining employment, he is likely to be rejected because of the possibility of becoming a public charge. If, on the other hand, he states that he came to this country under a promise that he should have employment, he is likely to be rejected because of violation of the contract-labor laws.

If the board of inquiry is not immediately satisfied that the immigrant should be admitted, it is the practice for it to defer decision until further information is obtained. If after due consideration and one or more hearings the board determines that the immigrant shall be deported, appeal may be taken in the manner above described. This question of appeal is a very important one. There is so much involved in a sentence of deportation, such great hardship visited upon the immigrant, who in the majority of cases never has any design of offending against the laws of this country and has no reason to believe that any objection will be offered to his entry. If he deem himself aggrieved by an adverse decision of the board of special inquiry, he should know precisely what his remedy is and when the appeal to which he is entitled may be taken. The law at present provides merely that the alien or any dissenting member of the board may appeal, but is silent as to when it should be filed, when heard, and when decided. The published rules and regulations of the Department under date of August 26, 1903, provide, by rule 7, that the immigrant who is denied admission shall be informed that he has a right of appeal therefrom, and the fact that he has been so informed shall be entered of record. This rule does not state when he shall be informed. Rule 8 provides that the notice of appeal shall be filed promptly, and rule 9 that after an appeal has been filed the record of the case, together with briefs, affidavits, and statements, should be forwarded to the Commissioner-General of Immigration within thirty-six hours after the filing of such notice. Considerable hardship and confusion have arisen from the uncertainty as to the time when appeal may be taken and also from the uncertainty as to the time when it has to be decided. The Commission was informed that there is another rule—of which it, however, was unable to obtain a copy—providing that appeal may be taken at any time prior to twelve hours from the

time the ship on which the immigrant arrived is to leave port. If such a rule does exist, it is, perhaps, of but little value to an ignorant immigrant who does not know when the ship is likely to sail.

In the case of Alter Schmidt (Exhibit 41), the alien was deported, although he offered to file notice of appeal from the order of the board of special inquiry, on the ground that his appeal had not been taken promptly. In that particular case the commission is of opinion that the appeal was not filed promptly, because it was not filed within three days from the time the order of deportation was entered. But, nevertheless, that immigrant presented his notice of appeal, as the commission understands, more than seventeen hours before the ship that had brought him was expected to sail. The commission, therefore, is of opinion that a time limit commencing on the day and hour on which the adverse decision was rendered should be set for the purpose of filing an appeal, say forty-eight hours or seventy-two hours, and that notice of such time limit should also be given to the alien or his representatives.

Regarding the time within which decision should be rendered, the commission learns that some contract-labor cases have remained undecided for months, at great expense to the steamship companies which meanwhile have to pay for the support of the detained immigrant. Such delay certainly causes great hardship also to the immigrant himself. Hence a time limit within which appeals may be filed, heard, and determined should be prescribed.

Criticism has been made of the personnel of these boards of inquiry, it being claimed that the work was so important that only men of the very highest grade be employed, and that an official who is receiving a salary of only \$1,800 a year can not be expected to discharge the duties with a proper appreciation of the responsibilities involved.

While it is true that these inspectors are not lawyers or men who have had the advantage of scientific training as a rule, yet the experience received in the handling of the immigrants, and their personal acquaintance with years of practical precedents (provided the personnel is not frequently changed), should qualify them to an extent that any person not familiar with the subject is apt to overlook. Their rulings as to persons likely to become public charges, for example, are based not only upon the evidence offered, but also upon their experience with immigrants and their customs. It is a fact that notwithstanding the scrutiny exercised at Ellis Island, there are every year a number of immigrants returned by the city or State authorities to Ellis Island because they have become public charges.

The records of Ellis Island show that during the fiscal year 1902-3 about 1,100 applications were made at the station for deportation of persons who had previously been allowed to land. Of this number about one-fourth was deported, and some received hospital treatment

at Ellis Island. The commission has no data as to what finally became of those who were not deported.

As has been before suggested, there can be no hard and fast rule applied as to who shall come within such category. The local commissioner has stated from not only his own personal experience, but from the records of years, that some persons are virtually paupers with \$100, while others are not, although they have only \$10. The true test is not the amount of money they bring, although this is often an important factor, but the ability to earn a living by securing remunerative work.

It further appears that the statistics show that in 1902, 30 out of every 10,000 immigrants became public charges, as against 9 out of every 10,000 residents. (Min., p. 424.)

Having described the procedure attendant upon the inspection and examination of immigrants, we may now consider the rights of the immigrants, and later the interest of the United States in the enforcement of the immigration law.

It has been suggested that much needless hardship would be spared the immigrant if the Government substitute for the inquiry at Ellis Island an inquiry abroad.

The commission has given careful consideration to this suggestion, and is of the opinion that such a course would be impracticable, but that it would be highly advisable if such inquiry could be supplemented by investigation abroad by United States authorities.

The burden of showing that he is eligible to land is upon the immigrant under section 24, which provides as follows:

Every alien who may not appear upon examination by the immigration inspector at the port of arrival to be clearly and beyond a doubt entitled to land shall be detained for examination in relation thereto by the board of special inquiry.

It is now the practice for some of the steamship companies themselves to exercise a rigid supervision over the immigrants, but, notwithstanding that fact, and notwithstanding the examination that is made on board the steamships pursuant to the requirements of law, many persons applying for admission to the United States are rejected. One of the representatives of the steamship companies stated that during a period of about nine months as many as 1,039 persons had been rejected at their places of examination abroad because of being disqualified physically to enter this country under our laws.

It further appeared in evidence that there are eight or more examination bureaus on the Russo-German frontier under the control of the steamship companies, and that many applicants for passage are there rejected (p. 302). Additional testimony was to the effect that the immigrants were not only examined at the frontier stations, but also at the seaports. At the port of Bremen during the year 1902 one company alone rejected 475 immigrants destined for the United States

(p. 326), while over 2,000 were rejected before they reached Bremen from Russia and Austria. The proper enforcement of the law at Ellis Island has no doubt caused such precautions to be taken by the companies.

Nevertheless, evidence of the uncertainty of examination abroad is to be found in the operation of the recent enactment by Congress allowing the imposition of a fine of \$100 in each instance where an alien with a loathsome or contagious disease, which should have been detected in Europe by competent medical examination, was brought to this country.

Commissioner Williams states that in the month of April the first fine of \$100 was imposed, and that in June fines amounting to over \$7,500 were imposed upon the steamship companies for bringing diseased aliens to this port. It is fair to assume that in view of the penalty so fixed the steamship companies attempted to make an examination which was, as later events show, inadequate, at least under existing rules.

It would certainly be hazardous to allow the immigrant to land upon an examination made abroad only, in view of the fact that a disease, for example, might not be so developed as to be detected at the foreign office, and yet really exist and be the subject of menace to the health of the people of this country. There are also other facts which might not be so readily ascertained abroad as upon a careful examination in this country. One of the most striking illustrations of this will be found in the case where the immigrant is allowed to land because of the help of relatives or friends in this country to insure that he or she will not become a public charge. The examining officials have difficulty even here in obtaining accurate and satisfactory information upon such a point. Again, many of the indications of the violations of the contract-labor law are to be found only after arrival in this country, when the officers of the immigration station who conduct the inquiry at Ellis Island or elsewhere can ascertain whether such violation is likely to occur or not.

It is, of course, unfortunately true that the deportation of the immigrant and his family, particularly where he has turned all his property into money for the purpose of coming to this country, is a most serious hardship, and one that should not be visited upon an alien whose admission the law contemplates. On the other hand, where it clearly appears that if such alien be allowed to remain in this country he will either become a public charge upon its citizens, or convey some serious disease, or interfere with the proper protection of labor, or be a disturber of the public peace, there is no other course possible but the performance of the duty owing to ourselves.

During the fiscal year ended June 30, 1903, 631,885 immigrants were brought to Ellis Island for inspection, and during that year 6,839

were excluded and deported to Europe at the expense of the steamship companies bringing them here.

A recent report shows that the largest percentage of deportations occurred during December, 1902, which was about 3 per cent of the arrivals during that month. The deportations during the following May and June amounted to about 1 per cent of the arrivals. The causes for which the above number of immigrants were deported during the last fiscal year are as follows:

On medical certificates.....	758
On account of contract labor	879
As liable to become public charges	4,733
Insane.....	19
Convicts.....	50
Deported after having been landed	400
Total	6,839

The percentage of deportation for recent years was as follows:

1899.....	1.22
1900.....	.95
1901.....	.73
1902.....	.77
1903.....	1.02

All the above figures relate to the fiscal year ending June 30.

Probably the greatest hardship to some desirable immigrants is caused by the manner of enforcement of the contract-labor law. It would seem that no one who had given careful study to the whole subject could question the wisdom of this law.

The great problem of the relations of capital and labor is being gradually solved in this country, and an important element in such solution will be the spirit of fair play that controls every real American. The introduction, therefore, of numbers of alien workmen under contract for the displacement of those whose homes are among us, would mean the bringing in of an element controlled by a spirit foreign to that which supports our institutions and incompatible with the principles of American citizenship. Such a course would only tend, in the first instance, to delay a proper adjustment of the relations of capital and labor, and later be likely to cause disturbance thereof.

Therefore no criticism can properly be made of the wisdom of the legislation, but there appears to be good ground for complaint as to the method in which the law is enforced.

An immigrant who is so improvident as to come to this country without any assurance of being able to earn a livelihood is not apt to make a desirable citizen, and therefore no objection should be made as to one who, without entering into the contract contemplated by the law, yet leaves his home with a prospect of being able to support himself by his own exertions.

Various suggestions have been made as to the rules to be laid down in relation to the disposition of such cases; but there is really only one theory that can be successfully applied, and that is, that each case must be decided according to its own peculiar phases. Technical interpretations of the law should be waived where the authorities are satisfied that there is no real violation.

Many instances of a contrary course, where there was no question but that great injustice had been done the immigrant, were presented to the commission. Thus three farmers intending to go West, where farm hands are needed, were ordered deported because they had been asked by a brother to come and help him. The law intends just such men to come, but nevertheless they can not enter.

Another matter of interpretation of the labor law relates to the question as to whether or not the act of March 3, 1903, contemplates the deportation of so-called contract laborers. As it reads, the act does not require such deportation. It states in section 2 who shall be deported, and does not in that section name the contract laborer as one who is to be deported. In subsequent sections it provides that one who shall cause others to come here under contract, or the like, shall be punished by forfeiting and paying for every such offense the sum of \$1,000. The question came up before Judge Lacombe, of the circuit court of the United States for the southern district of New York, in the two cases entitled, "In the matter of Thomas S. Ellis," and "In the matter of Sotorios S. L. Charlambis." These two immigrants, expert accountants, whose services were needed here and could not be performed by others, were ordered deported as contract laborers. They sued out a writ of habeas corpus, which was dismissed by Judge Lacombe, and from his decision an appeal was taken to the Supreme Court, and is, as we understand, now pending. In his opinion Judge Lacombe calls attention to the fact that the act now under consideration originated in the House of Representatives, and that when it came to the Senate it contained the following in section 2, where the persons to be deported were enumerated:

Persons whose migration has been induced by offers, solicitations, promises, or agreements, parole or special, express or implied, of labor or work, or service of any kind, skilled or unskilled, in the United States.

The Senate amended the House bill by striking out the clause last above quoted. The House nonconcurred in the Senate amendment and the bill went to a conference committee. The committee came into accord as to which amendments should be accepted and which should be withdrawn. This particular Senate amendment was accepted. The House conferees reported to the House that they had concurred in the Senate amendment striking out the part of the bill relating particularly to the contract-labor law, leaving intact the contract-labor laws heretofore enacted and now on the statute books, the only

variation being that the words "offers," "solicitations," or "promises," were substituted for the word "contracts." (Congressional Record, p. 3205.) But it is possible that the conferees' report to the House was not binding upon the Senate. Thereupon the House passed the bill as amended.

It must not be overlooked that the act of March 3, 1903, provides by section 36, as follows:

That all acts and parts of acts inconsistent with this act are hereby repealed.

His honor, Judge Lacombe, held that the intent of Congress, though omitting the requirement of deportation in section 2 of the act of March 3, 1903, was, nevertheless, not to repeal those prior acts which required their deportation. That is the question now before the Supreme Court. At least, it is on the calendar of that court, as we are informed, and may possibly be argued there.

It appeared in the record before Mr. Justice Lacombe that the petitioner's attorney offered to supply evidence that "labor of a like kind unemployed could not be found in this country," and thus make the applicant come under the exception provided for by the statute; that an advertisement had been inserted in the daily papers calling for the services of the character to be furnished by the alien, and that such advertisements were unanswered. The court held that the board of inquiry, being the exclusive judges of the facts, the court could not consider that aspect of the case.

It is, of course, possible that Congress intended that those who are brought here under contract, express or implied, by promises, or what not, shall not be deported, but shall be witnesses against the people from whom the penalty of \$1,000 is to be collected. As the law stands at present, under the interpretation given it, deporting every alien who appears to two members of the board of special inquiry to be brought here under promises, it is practically impossible to proceed against the person who is supposed to owe the United States the penalty of \$1,000. Inasmuch as 879 individuals were thus deported during the last fiscal year, the United States were deprived of the sum of \$879,000, which might have been collected had proper evidence been obtainable and the aliens (who were supposed to have had such contracts) been detained here as witnesses. The possible hardship to the party detained will be largely outweighed by the value of the final result.

It has been suggested (Min., p. 162) that no one be deported as a contract laborer unless the party with whom the contract was made, or supposed to have been made, is successfully proceeded against. Such a modification or interpretation of the law might be of value. As at present administered, the principal wrongdoer is the party who induces the laborer to come here. He goes scot free. The poor

laborer comes with great expectations, sacrificing considerable time and money, and is then punished by being deported. The instigator would be more apt to have a care were he to know that the instant his victim arrives and the facts are disclosed, proceedings for the collection of the \$1,000 penalty would be promptly instituted. Where people seek to import laborers in groups of 20 or 30, the collection of this penal sum would be a more effective means of bringing the contract-labor law to the attention of interested parties in this country than is the mere fact that they failed to succeed in obtaining the desired laborers.

Many instances of a too technical enforcement of the contract-labor law were presented to the commission. Mr. von Schleinitz told of the case of a young German boy, 16 years of age, who was excluded as a contract laborer because his brother-in-law, in East Rutherford, N. J., had promised to give him employment. This case was typical of many others of similar character and referred to above.

The suggestion that the contract-labor law is apt to be too technically enforced is not made without appreciation of the facts shown in the report recently made by Mr. Marcus Braun, wherein it appears that great ingenuity is exercised abroad in evading the provisions of the contract-labor law. But we think it is safe to say that none of the instances mentioned by Mr. Braun presents facts similar to those which have been given as examples of an unreasonable interpretation of the statute.

Another difficulty connected with the interpretation of the law deals with the detention of families where one member must go to the hospital on account of illness. Testimony on this subject will be found at pages 118, 137, 149, 152, 191, 192, 462, 464, and elsewhere. It appears that under the law if a child is to be deported, one adult member of the family has to go back with it. Children are deported when they have trachoma, favus, or when they are crippled, etc. Families have thus been separated, the mother being required to go back to Europe with the child, while the father, with other children, has been allowed to land. That is the law, however. Perhaps it could be modified. But when a child is in the hospital, always at the expense of the transportation company, the other members of the family, excepting, possibly, one adult, may be allowed to land. That adult is imprisoned (and supported at the expense of the steamship company), so that he or she can not escape if it afterwards should appear that the child must be deported. But no one else should be detained, it seems to us, of that family, and yet this has been the fact. We understand from the missionaries and from the commissioner that every opportunity is given to these people to land if they wish to, but we presume that frequently they are detained as a unit at Ellis Island simply because they

could not think of such a separation as the law is apt to inflict. The steamship companies complain, it seems justly, that they are made to pay immense sums of money for hospital treatment of immigrants. If the immigrant or his friends are able to pay for such treatment, there is no reason why others should bear such burdens.

Another difficulty has to do with the question of trachoma cases. Trachoma is an eye disease, which is evidently curable in certain stages. (Dr. Weeks, Min., p. 671.) The law requires that persons suffering from loathsome, dangerous, or contagious diseases must be excluded and shall not be treated in the hospitals of the United States. An illustration of the difficulty regarding that interpretation of the law appears in the deposition of Mr. Van Ingen, formerly counsel of the Commissioner of Immigration. He gives the history of a child which was detained on the certificate of the physician of Ellis Island as having trachoma and was ordered deported. The parents of the child did not believe that she had trachoma and wanted to prove this, and appeared before one of the justices of the United States court with their prayer that they be permitted to adduce such proof. But Judge Lacombe held (Min., p. 571) that the said medical certificate was conclusive, and that therefore, whether the child had trachoma or not, if the doctor said it had, no further investigation was allowed. Doctor Stoner testified (Min., p. 633) that there are practically no appeals from the decision of the first doctor at Ellis Island to the board of physicians. From that board of physicians no appeal is permitted. So this child was kept in the hospital at Ellis Island pending the decision of the court, and meanwhile it got well and was thereupon "paroled" by order of Judge Lacombe. (Min., p. 574.)

The witness, Van Ingen, was asked this question:

Your idea, of course, is that even after cured it is not allowed to land under section 19, because no aliens certified (to have trachoma) shall be allowed to land? She was certified to have trachoma, wasn't she?

To which he answered, "Yes."

He then is asked:

No alien certified to have trachoma shall be permitted to land?

The law says: "Shall not be permitted to land for treatment in the hospitals of the United States."

And he answers:

That is, one of the maritime hospitals.

Q. What did you put her there for?—A. We had to.

Q. It says you should not?—A. Only for treatment. It doesn't say we can't put them in the hospital. We have to put them there. We couldn't put them in a room full of people.

Q. That child was simply put in the hospital and not treated and yet got well?—A. I wouldn't like to say she was not treated. She probably was, but it is not supposed to be done.

It was afterwards shown that it was the understanding of the authorities that such children were not to be allowed to go to any hospital (p. 572), while the act of Congress only excludes them from hospitals of the United States, not from hospitals in the United States.

We are cognizant of cases in which people, whose children are found to have trachoma in its noncontagious form, are willing to pay for their treatment and care in a private hospital. Under the answers above quoted, which were given by Mr. Van Ingen, it is perfectly clear that the authorities at Ellis Island are justified in proper cases, where the families are in this country, well settled, and willing to pay for the treatment of a child for such curable trachoma, to permit them to do so in a private hospital, taking precautions, of course, that the hospital authorities must produce the alien, when cured to the satisfaction of the Ellis Island authorities, or otherwise submit to proper regulations in that behalf.

Among the charges brought by the reporter of the *Staats-Zeitung* against the administration at Ellis Island were some involving alleged wrongful deportation. As before stated, the commissioner was given an opportunity to reply to these specifications, and satisfied us that these charges were unfounded. But one or two instances will well illustrate the difficulty of passing upon public-charge cases:

A Portuguese woman arrived in April, 1902, and was allowed to join her married daughter in California. In February last this woman came to the island destitute, requesting deportation.

In another case a Russian came over on December 4, 1902, and was allowed to land because he wished to join his married daughter in Rhode Island, the latter having declared that her husband had a clothing store worth over \$7,000, and desired to care for her father. This immigrant was picked up in the streets of New York by the outdoor poor department (p. 354).

On July 15, 1903, a 12-year-old Italian boy was brought before one of the magistrates in New York City on the charge of vagrancy. He had obtained admission into the country on the promise of a brother, 20 years of age, who had gone out to Ellis Island and agreed to take care of the boy.

Where, however, a family of eight persons with only \$12 was allowed to land and go to Spokane, nothing subsequently transpired to indicate that a mistake had been made. No doubt in that case the commissioner was presented with satisfactory evidence that there was no danger of the persons becoming public charges (p. 376).

A case reported in the *Staats-Zeitung* was that of an aged woman who died on the island. The article was headed, "*Only the knout is wanting; otherwise Russian conditions prevail at Ellis Island—A woman who wanted to go to her children in Pittsburg is detained on the*

island and dies in the hospital." The facts in that case were as follows:

The woman was upward of 62 years of age, and was in very frail condition. Her children were in Pittsburg, and she was detained until they could be sent for, in order that she might be properly taken care of. Two days after her arrival, and while still awaiting the coming of her children, she was taken to the hospital on a stretcher, suffering from heart disease, from which she died on September 26, 1903, and five hours before the arrival of her daughter at Ellis Island. Examination after death disclosed the case as fibrous degeneration of the heart. The daughter was without means to defray the expenses of her mother's burial, and they were borne by the steamship company (p. 362). This cruel charge was, therefore, unfounded.

The attention of the commission was called to a case that happened some months ago, where a young immigrant girl, upon alighting from a train at Bayonne, N. J., was maltreated by some ruffians, and inquiry was made as to the circumstances. It appears that after her right to land had been ascertained she was taken in charge by the railroad people and provided with a ticket to her destination in Bayonne; that owing to some mistake made by her or by the railroad company she alighted at the wrong station, and there met with her misfortune. It did not appear that the officials at Ellis Island could have done anything to prevent the occurrence of the wrong, as they have no means of furnishing escorts to young women or others under such circumstances, and have to rely upon the railroad companies to properly carry the immigrants to their destination.

Before concluding, the commission can appropriately say that it knows of no public service, national or municipal, that calls for such varied and incessant work as the Ellis Island station of immigration. The entire force, including the commissioner, are required to work daily, even on Sundays, in order to dispose of the business of the station. It was stated to the commission that during the past year the station had been closed only five holidays, one of which was Easter Sunday. Commissioner Williams informed the commission that he personally attended every day that the island was open for business, with the exception of the five days referred to, and that his work frequently demanded that he remain late at night. In fact, so important is the immigrant service at Ellis Island and to such an extent does it affect the entire immigration of the country that the commission can well conceive of the advantage that would accrue to the Immigration Bureau if it were established at Ellis Island under the charge of the Commissioner-General, instead of at Washington, being, of course, under the same supervision of the Department of Commerce and Labor.

Since making our investigation we find that the contract relating to the transportation of immigrants' baggage, made with the Westcott Express Company, has also been changed, by providing that articles of merchandise which immigrants may bring shall be charged a higher rate than the articles of baggage on which the contract is based. We have not had the opportunity of giving this matter, which arose quite recently, our careful attention, but beg to report that it has been reported to us that the express company, under this new arrangement, proceeds to apply the high charges for merchandise on all articles of baggage which, in the opinion of the express company, contain an article of merchandise, such as a piece of bread or a pocketknife, and that the original contract, therefore, has become a nullity. Whether this is true or not we are unable to state. We would recommend, however, that the express company in question be required to transport everything that the immigrants bring, as under the original contract, except in those cases where the Commissioner of Immigration decides that special cases involve the transportation as "merchandise." The necessity for the change arose from the fact that many immigrants are said to have brought cases full of actual merchandise, such as pianos and the like, which the express company was not asked to consider in the original bid. But, nevertheless, as abuse of the new privilege is possible and in fact charged, every precaution should be taken to prevent injustice to the bona fide immigrants who bring nothing but reasonable baggage. We point to the commissioner's letter to the chairman of November 7, likewise to his letter to the Westcott Express Company, dated October 31, 1903, both of which documents constitute Exhibit No. 40.

The conclusions of the commission, which are partly foreshadowed in its foregoing report and which are based upon its careful scrutiny of the evidence, which is filed herewith; of the exhibits, also filed herewith; and of the witnesses, and the personal observation of the commissioners of the manner in which immigrants are treated at Ellis Island are, to state them briefly, as follows:

First. That the charge that there has been improper detention of large numbers of immigrants for special inquiry is unfounded.

Second. That the charge that immigrants have been refused permission to leave Ellis Island until their relatives are heard from is true, insofar as every effort is made to protect immigrants from falling into evil hands.

Third. That the charge that there has been deportation of large numbers of immigrants, who should have been allowed to land, is not supported by any evidence, the commission finding the contrary to be the fact.

Fourth. That complaints about the methods of the boards of special

inquiry have not been sustained except on the question of the interpretation of the law, which leads to the exclusion of interested parties and representatives of the immigrants from hearings.

Fifth. That the charge that there is overcrowding in the detention rooms is in many cases well founded; but so long as larger quarters are not at the disposal of the authorities this difficulty can not be overcome.

Sixth. That the charge that there are unclean conditions in and about the buildings at Ellis Island has not been supported by the proofs. On the contrary, the buildings and appointments were found exceptionally clean, except as to the sufficient disinfection of the blankets.

Seventh. That the charge that there is too severe an interpretation of the law by the officers at Ellis Island is not sustained by the proofs.

Eighth. That the commission did not find any evidence of a general animus against immigration displayed by the Commissioner of Immigration and those under him in the performance of their duty.

Ninth. That the charge that the buildings are inadequate in their appointments and extent is fully sustained.

Tenth. That the charge that children, and women, and others who are detained at Ellis Island or in the hospitals thereof are required to do menial work, is not sustained, although it would probably benefit those who are detained if they were given some work to do.

Finally, the commission reports upon the evidence that the immigrant is not treated unkindly, but, on the contrary, with every possible consideration, so far as the inadequate facilities at Ellis Island will permit. He is well fed, fairly well housed, taken care of in the hospital when sick—all without expense to himself. If permitted to land, that permission releases him instantly from the direct control of the Ellis Island authorities. If, however, friends or relatives who will act in the nature of special protectors are expected to call for him, he is again given his food and lodging, without expense to himself, until their arrival. The commission feels it a duty to unhesitatingly declare that Commissioner Williams is entitled to the highest commendation for the indefatigable zeal and intelligent supervision he has exercised in administering the affairs of the Ellis Island station, and for the humane consideration he has invariably shown to the immigrants while they remained under his jurisdiction.

The commission feels called upon to make the following recommendations:

RECOMMENDATIONS.

1. That the boards of special inquiry shall admit to their sessions the parties in interest, with opportunity to propound questions and produce witnesses, such parties in interest being the representatives of the transportation companies and the representatives of the immigrant.

2. That aliens who are charged with coming under the contract labor law be held, whenever practicable, until the alleged contractor be heard or proceedings against him be instituted and completed by the Attorney-General or other proper officer, and that if in such proceedings the contractor is not held liable the immigrant be allowed to land if otherwise not ineligible. If the law would permit, the contractor should be charged with the expense of deportation and the cost of maintenance of the alien.

3. That the contract-labor law be not construed to apply to aliens otherwise eligible, who through relatives or other proper sources of inquiry have ascertained before coming that reasonable opportunity for finding work exists, nor to aliens of the class described in the proceedings against Ellis and another, whose places could not otherwise be filled in this country.

4. That the commissioner of immigration at Ellis Island be given authority to hear and determine appeals from the boards of special inquiry, and that his decision become final upon approval by the Secretary of Commerce and Labor.

5. That provision be made for the filing of an appeal, within a specified number of days after the order of deportation is rendered, and communicated to the alien by the board of special inquiry; that the immigrant and his representative be informed at the time the decision is rendered of this time limit; that a time limit be set for the hearing of the appeal, and a time limit thereafter, within which the appeal must be decided.

6. That an immigration inspector be appointed for service at each port of departure, whose duty it shall be to ascertain, as far as feasible, the correctness of the answers inscribed upon the manifest.

7. That the original contract for exchanging foreign money at Ellis Island, and the contract as changed, be submitted to the Attorney-General for advice.

8. That after the expiration of the contract with Messrs. Post & Flagg, an officer of the United States be given charge of the exchange of foreign money at Ellis Island.

9. That diseased immigrants, whose diseases are not in a contagious stage, may, if they or the parties interested in them desire it, be treated at their own expense in private hospitals, under regulations of the Department of Commerce and Labor, and that when they can not or do not wish to pay for such treatment they may be admitted to the hospitals of the United States for observation and treatment.

10. That the matter of additional charges for transportation of "merchandise" be given further close attention and careful supervision, such extra charges to be collected only on the express approval of the commissioner in each case.

11. That the railroad companies that have offices at Ellis Island are

not to be prevented from accepting checks or other form of payment for the transportation of immigrants, under such regulations as the commissioner may prescribe.

12. That where marriages are required to be performed at Ellis Island, religious service shall in all cases be insisted upon, if attainable, unless the parties themselves decline it.

13. That an adequate and wholesome hospital building be substituted at Ellis Island for that now there.

14. That the main building at Ellis Island be enlarged and so reconstructed that the examinations by inspectors may take place on the ground floor, and that ample dormitories be provided.

15. That provision be made for supplying each immigrant who has to stay at Ellis Island over night with blankets that are thoroughly disinfected, and that for those immigrants who are detained for a longer period, sheets be supplied in addition to blankets.

16. That steamship companies shall not be charged with the cost of feeding immigrants who are detained by the board of special inquiry for more than one week, except in those cases which result in deportation, nor for the treatment of immigrants in hospitals for disease contracted after arrival at our immigrant station.

17. That the number of passengers allowed to be carried by the steamboats to and from Ellis Island be limited to the cabin capacity thereof.

Respectfully submitted.

ARTHUR V. BRIESEN.
LEE K. FRANKEL.
EUGENE A. PHILBIN.
THOMAS W. HYNES.
RALPH TRAUTMANN.

NEW YORK, *November 11, 1903.*

LIBRARY OF CONGRESS



0 020 075 210 7